

**CITY COUNCIL
ATLANTA, GEORGIA**

Municipal Clerk
Atlanta, Georgia

3

02-01549

**AN AMENDED ORDINANCE
BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

UEZ-02-10

**AN AMENDED ORDINANCE TO CREATE THE "ETHERIDGE COURTS
APARTMENTS HOUSING ENTERPRISE ZONE", TO BE LOCATED AT 2500
CENTER STREET, N.W. AND 2591 ETHERIDGE DRIVE, N.W., AND FOR
OTHER PURPOSES.**

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS the designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the "Etheridge Courts Apartments Housing Enterprise Zone";

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
HEREBY ORDAINS AS FOLLOWS:**

Section 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Etheridge Courts Apartments Housing Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Etheridge Courts Apartments Housing Enterprise Zone", are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

Section 2: The "Etheridge Courts Apartments Housing Enterprise Zone" is hereby created for the subject property at 2500 Center Street, N.W. and 2591 Etheridge Drive, N.W. The effective date of all exemptions established therein shall be January 1, 2003. The Etheridge Courts Apartments Housing Enterprise Zone shall be abolished on December 31, 2012. The Etheridge Courts Apartments Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of the Etheridge Courts Apartments Housing Enterprise Zone is attached hereto as Exhibit "A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the Etheridge Courts Apartments Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

Section 4: That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

A true copy,

Thonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

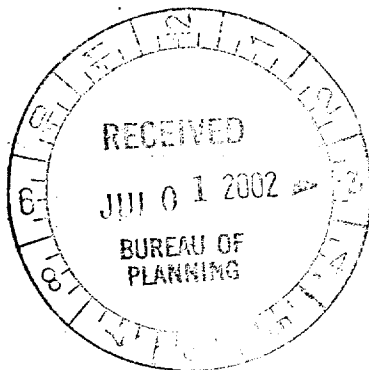
OCT 07, 2002
OCT 15, 2002

UEZ-02-10

LAND DESCRIPTION TRACT I

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 250 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at an iron pin on the Northern line of the Etheridge Drive right of way, said iron pin lying 18 feet from the centerline of Etheridge Drive and 413.58 feet Westerly, as measured along the Northern right of way line of Etheridge Drive from the centerline of Hightower Road; from said POINT OF BEGINNING PROCEED THENCE along said Etheridge Drive Northern right of way line North 89 degrees 52 minutes 57 seconds West 621.79 feet to an iron pin; thence leaving said Etheridge Drive right of way North 00 degree 21 minutes 00 seconds East 720.06 feet to an iron pin; thence North 88 degrees 16 minutes 30 seconds East 604.20 feet to a nail lying approximately 2.6' South of the centerline of Center Street; thence South 01 degree 02 minutes 35 seconds East 739.64 feet to an iron pin being at the Point of Beginning, said tract containing 10.2684 acres, more or less.



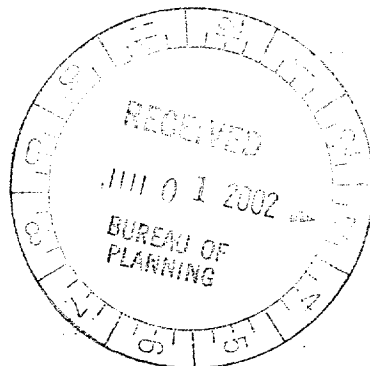
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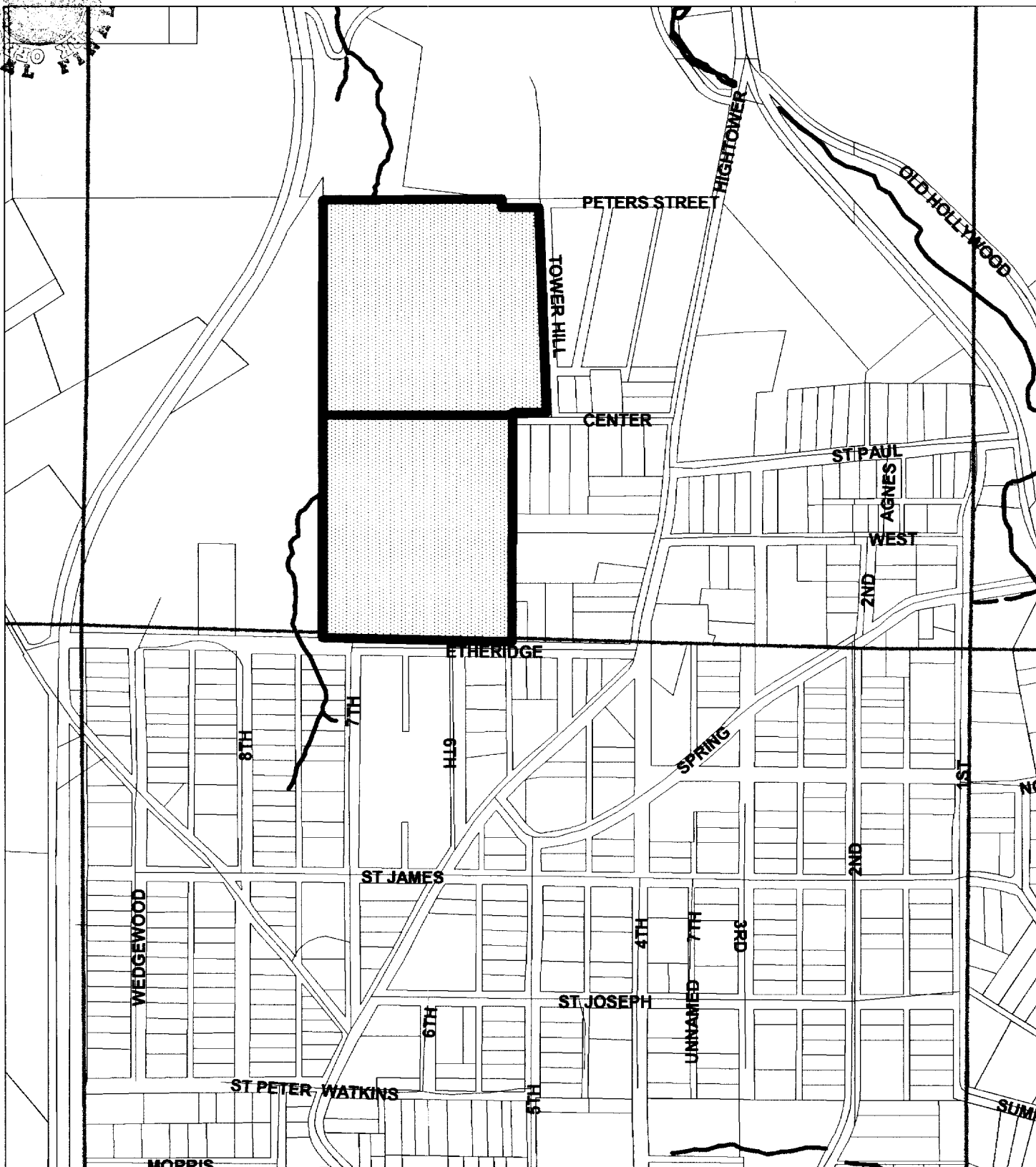
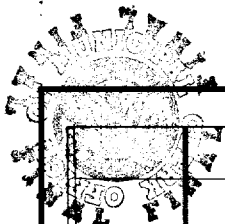
EXHIBIT "A"—Page 2

LAND DESCRIPTION TRACT II

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 250 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

To find the point of beginning, COMMENCE at an iron pin on the northern line of the Etheridge Drive right of way, said iron pin lying 18 feet from the centerline of Etheridge Drive and 413.58 feet Westerly, as measured along the Northern right of way line of Etheridge Drive from the centerline of Hightower Road; Proceed thence leaving said Etheridge Drive right of way North 01 degree 02 minutes 35 seconds West 739.64 feet to a nail lying approximately 2.6' South of the centerline of Center Street, said nail being at the Point of Beginning; FROM SAID POINT OF BEGINNING PROCEED South 88 degrees 16 minutes 30 seconds West 604.20 Feet to an iron pin; thence North 00 degree 21 minutes 00 second East 729.60 feet to an iron pin; thence North 89 degrees 57 minutes 00 second East 563.30 feet to an iron pin; thence along the Southern line of the Peters Street 30-foot right of way North 88 degrees 47 minutes 00 second East 115.00 feet to an iron pin at the intersection of the Southern right of way line of Peters Street with the Western right of way line of Tower Hill Street, last said iron pin lying 25 feet from the centerline of Tower Hill Street; thence along the Western right of way line of Tower Hill Street South 02 degrees 45 minutes 30 seconds East 691.50 feet to an iron pin at the intersection of the Western line of Tower Hill Street with the Northern line of the 40-foot Center Street right of way; thence along the Northern line of the Center Street right of way South 89 degrees 27 minutes 00 second West 113.40 feet to an iron pin; thence South 03 degrees 20 minutes 00 seconds East 22.58 feet to a nail being at the Point of Beginning, said tract containing 11.4686 acres, more or less.





ETHERIDGE COURTS APARTMENTS HOUSING ENTERPRISE ZONE

**EVALUATION OF THE PROPOSED
“ETHERIDGE COURTS APARTMENTS HOUSING ENTERPRISE ZONE”**

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
1. <u>Eligibility Criteria:</u>	<u>Must meet 3 of the 4 Criteria:</u>		
a. Evidence of Pervasive Poverty	a. Poverty rate of $\geq 20\%$ for the Census Block Group.	a. Poverty rate of $\geq 30\%$ Block Group 1 of Census Tract 86.01. Meets this criterion.	Meets 3 of the 4 required criteria:
b. Unemployment	b. Unemployment: • Census Tract having at least 10% higher than the State Average; OR • Significant Job Loss, to be documented by the applicant.	b. Unemployment rate of 6.8% for Census Tract 86.01. Meets this criterion.	Meets Criteria #a, #b, & #d.
c. General Distress	c. General Distress: • High Crime within the police beat/zone; OR • Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.	c. Crime rate of only -1% for Police Beat/Zone 108. The presence of vacant and/or dilapidated structures, or of deteriorated infrastructure, in the vicinity has not been documented by the applicant. Does not meet this criterion.	√
d. Underdevelopment	d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole.	d. Development activity of -26% for NPU “G”, comparison with the City as a whole. Meets this criterion.	
2. Acreage	None.	21.737 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Medium-Density Residential. Allowed F.A.R.: 0.696.	Consistent with the CDP. Proposed F.A.R.: 0.294.	√
4. Zoning Compliance	RG-3.	RG-3.	√
5. Project Specificity	Project-Specific Zone or $\geq 50\%$ of Areawide Zone	Project-Specific	√
6. Non-Displacement	Minimum Displacement	Applicant is to submit a relocation plan.	√
7. Job Creation	First Source Jobs Policy	Proposes to comply	√
8. Financial Feasibility	<u>Chief Financial Officer’s Statement of Fiscal Impact:</u> a. Negative cash flow; OR b. Debt coverage ratio < 1.20 ; OR c. A variable-ratio debt coverage ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified.	To be determined.	To be determined.

UE2-02-10



CITY OF ATLANTA

DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION
68 MITCHELL STREET, S.W. SUITE 3350 • ATLANTA, GEORGIA 30335-0308
404-330-6145 • FAX: 404-658-7491

SHIRLEY FRANKLIN
MAYOR

Commissioner
TIM POLK
Acting Commissioner

Director
Bureau of Planning

July 16, 2002

Ms. Kimberly A. Cameron
H.J. Russell & Company
504 Fair Street, SW
Atlanta, Ga. 30313

Dear Ms: Cameron

We have received your application for designation of the Etheridge Courts Apartments housing enterprise zone. Our staff is currently reviewing the application with regard to the City's criteria for urban enterprise zone designation.

We have scheduled your presentation of the application to Neighborhood Planning Unit (NPU) G on Thursday, August 15, 2002 at 7:00 p.m. at the English Park Recreation Center, located at 1340 Bolton Road, NW. The chair of NPU - G is Richie Bishop, who can be reached at (404) 792-2820. Please be present at the NPU - G meeting to briefly present your proposal and to answer any questions regarding your application.

Additionally, the Community Development and Human Resources Committee of the Atlanta City Council will hold a public hearing on your application on Monday, September 23, 2002 at 6:00 p.m. in the Council Chambers at City Hall. Please be present at the hearing to briefly present your proposal and to answer any questions regarding this application.

Should you require any further information, please contact Linda Logan at (404) 330-6637 or Sara Wade Hicks at (404) 330-6728.

Sincerely,


Beverley Dockeray Ojo
Acting Director

cc: Tim Polk
Sara Wade Hicks
Linda Logan

RCS# 4099
10/07/02
5:15 PM

Atlanta City Council

Regular Session

CONSENT I 0613;1695;1544;1562;1581;1666;1551
 1668; Except CDHR #6-#10
 RECON/READOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	Y Shook	NV Maddox	NV Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

CONSENT I

10/07/02 Council Meeting

ITEMS ADOPTED ON CONSENT**AGENDA**

1. 02-O-1538
2. 02-O-1549
3. 02-O-1554
4. 02-O-1466
5. 02-O-1253
6. 02-O-1575
7. 02-O-1576
8. 02-O-1582
9. 02-O-1447
10. 02-O-1545
11. 02-O-1261
12. 02-O-1534
13. 02-R-1662
14. 02-R-1669
15. 02-R-1709
16. 02-R-1711
17. 02-R-1712
18. 02-R-1713
19. 02-R-1633
20. 02-R-1664
21. 02-R-1667
22. 02-R-1673
23. 02-R-1469
24. 02-R-1642
25. 02-R-1644
26. 02-R-1649
27. 02-R-1714
28. 02-R-1727
29. 02-R-1650
30. 02-R-1651
31. 02-R-1652
32. 02-R-1653
33. 02-R-1654
34. 02-R-1655
35. 02-R-1656
36. 02-R-1657
37. 02-R-1658
38. 02-R-1659
39. 02-R-1660
40. 02-R-1718
41. 02-R-1719
42. 02-R-1698
43. 02-R-1699
44. 02-R-1700
45. 02-R-1701

46. 02-R-1702
47. 02-R-1703
48. 02-R-1704
49. 02-R-1705
50. 02-R-1706
51. 02-R-1707
52. 02-R-1708

ITEMS ADVERSED**ON CONSENT AGENDA**

53. 02-R-1675
54. 02-R-1676
55. 02-R-1677
56. 02-R-1678
57. 02-R-1679
58. 02-R-1680
59. 02-R-1681
60. 02-R-1682
61. 02-R-1683
62. 02-R-1684
63. 02-R-1685
64. 02-R-1686
65. 02-R-1687
66. 02-R-1688
67. 02-R-1689
68. 02-R-1690
69. 02-R-1691
70. 02-R-1692
71. 02-R-1693
72. 02-R-1694
73. 02-R-1696
74. 02-R-1697

Consent I Vote: 10Yeas; 0 Nays (See RCS #4099; Reconsidered See RCS #4043)

Items Removed from Consent: 02-R-1613; 02-R-1695; 02-O-1544; 02-O-1562; 02-O-1581; 02-R-1666;
02-O-1551; 02-R-1668; 02-O-1598; 02-O-1599; 02-O-1600; 02-O-1601; 02-O-1602